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**HICKMAN PALERMO TRUONG & BECKER, LLP**  
**2055 GATEWAY PLACE**  
**SUITE 550**  
**SAN JOSE CA 95110**

**MAILED**

**APR 12 2010**

**OFFICE OF PETITIONS**

In re Patent No. 6,982,695	:	
Issue Date: January 3, 2006	:	
Application No. 09/298,538	:	NOTICE
Filed: April 22, 1999	:	
Attorney Docket No. 60072-0725	:	

This is a notice regarding your communication filed December 28, 2009, which is being treated as a request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The request is **DISMISSED**.

The petition does not comply with the requirements under 37 CFR 1.28(c)(2)(ii), which states:

(ii) *Itemization of the deficiency payment*. An itemization of the total deficiency payment is required. The itemization must include the following information:

A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee; two-month extension of time fee) along with the correct fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant is reminded of 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Applicant is given **ONE MONTH** to submit a complete listing of the fees erroneously paid as a small entity and the total fee deficiency to avoid the return of the present fee deficiency paper. This time period is not extendable under 37 CFR 1.136(a).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

- By mail:                      Mail Stop PETITIONS  
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- By hand:                      Customer Service Window  
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- By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions
- By internet:                EFS-Web  
                                    [www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
                                    (for help using EFS-Web call the  
                                    Patent Electronic Business Center  
                                    at (866) 217-9197)

Application No. 09/298,538  
Patent No. 6,982,695

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Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions